

**Filed 4/26/05 by Clerk of Supreme Court**  
**IN THE SUPREME COURT**  
**STATE OF NORTH DAKOTA**

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2005 ND 81

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Cheryl A. Aker,

Petitioner and Appellee

v.

North Dakota Department  
of Transportation,

Respondent and Appellant

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No. 20040366

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Appeal from the District Court of Burleigh County, South Central Judicial District, the Honorable Sonna M. Anderson, Judge.

AFFIRMED.

Per Curiam.

James Patrick Thomas, Assistant Attorney General, Office of Attorney General, 4205 State Street, P.O. Box 1054, Bismarck, N.D. 58502-1054, for respondent and appellant.

Cheryl A. Aker, pro se, 2500 Centennial Road #9, Bismarck, N.D. 58503, petitioner and appellee; no appearance.

**Aker v. N.D. Department of Transportation**  
**No. 20040366**

**Per Curiam.**

[¶1] The North Dakota Department of Transportation appeals a district court judgment reversing an administrative hearing officer's decision to suspend Cheryl Aker's driving privileges for 91 days for driving under the influence. We summarily affirm the district court's decision under Rule 35.1(a)(7), N.D.R.App.P. Jorgensen v. N.D. Department of Transportation, 2005 ND 80 (inclusion of the blood alcohol test result in the officer's certified report to the Department is a basic and mandatory provision of N.D.C.C. § 39-20-03.1(3), without which the Department may not suspend a person's driving privileges).

[¶2] Gerald W. VandeWalle, C.J.  
Dale V. Sandstrom  
Carol Ronning Kapsner  
Mary Muehlen Maring